

REMARKS

This paper is responsive to the Non-Final Office Action dated August 21, 2006. Claims 1-42 were examined, of which claims 1-5, 7, 12-21, 26-30, and 32-42 were rejected. Claims 1-3, 5, 7, 12-21, 26-30, 32, 33, and 36-42 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cooper (U.S. Pub. 2003/0120961) hereinafter referred to as "Cooper." Claims 4, 34, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper.

Applicant appreciates the indication of allowability for claims 8-11, 23-25, and 31, and that claims 6 and 22 include allowable subject matter.

Claim 1 has been amended to incorporate the subject matter of claim 6 (indicated as allowable) making claim 1 and dependent claims 2-5 in condition for allowance.

Claim 7 has been put in independent form. Claim 7 recites "*generating performance state data if none of the performance state data is associated with the processor being utilized in the computer system and a near match does not exist.*" The Office action states with regard to claim 7 that "Cooper further discloses copying default performance state table data into local memory when no match is found [Figure 4 and paragraph 0045]." While applicant agrees that Cooper teaches copying default performance state table data when no match is found, applicant respectfully submits that that is not the same as generating performance state data. In Cooper either the performance state data matches, or default performance data is used. The default performance state data already exists in Cooper. In contrast, claim 7 recites generating the data, which is described in the specification at, e.g., paragraphs 1042 and 1043. Applicant further notes that claim 7 recites generating performance data if a near match does not exist. Since Cooper does not check for near matches, applicant respectfully submits that Cooper does not teach all the limitations of claim 7.

Claim 12 recites *generating performance state data if none of the performance state data is associated with the processor being utilized in the computer system*. As pointed out above with respect to claim 7, Cooper fails to teach generating performance state data. In Cooper, either the performance state data matches, or default data is used. Thus, claim 12 and all claims dependent thereon distinguish over Cooper.

either the performance state data matches, or default data is used. Thus, claim 12 and all claims dependent thereon distinguish over Cooper.

Claim 13 recites generating performance state data after determining that a near match does not exist. Cooper fails to teach determining that a near match does not exist. Accordingly, claim 13 is patentable over Cooper for this additional reason.

Claim 14 recites that generating the performance state data further comprises generating performance state information including a plurality of frequency values and a fixed voltage value. The Office action points to paragraph 0038 of Cooper. However, that portion of Cooper, which describes the performance tables 320₁ to 320_p, fails to teach generating performance state data with a fixed voltage value as required by claim 14. Accordingly, claim 14 is patentable over Cooper for this additional reason.

Claim 15 recites that an upper limit of frequency of the [generated] frequency values is determined according to an indication of maximum frequency provided in the processor. The Office action again relies on paragraph 0038 of Cooper. However, that portion of Cooper, which describes the performance tables 320₁ to 320_p, fails to teach an upper limit of frequency of the frequency values is determined according to an indication of maximum frequency provided in the processor. Accordingly, claim 15 is patentable over Cooper for this additional reason.

Claim 17 has been amended to incorporate the subject matter of claim 18, which has been canceled. As pointed out above with respect to claim 7, Cooper fails to teach generating performance state data. In Cooper either the performance state data matches, or default data is used. Thus, claim 17 distinguishes over Cooper. Claims 19-21, which depend on claim 17, are allowable for at least that reason.

Claim 22, indicated as having allowable subject matter, has been put in independent form.

Claim 26 recites a computer program product operable to generate performance data after no match is found to exist. As pointed out above with respect to claim 7, Cooper fails to teach generating performance state data. In Cooper either the performance state data matches, or the

default data is used. Thus, claim 26 distinguishes over Cooper. Claims 27-29, which depend on claim 26, are allowable for at least that reason.

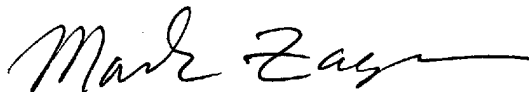
Claim 32 recites means for generating performance state data. As pointed out above with respect to claim 7, Cooper fails to teach generating performance state data. In Cooper either the performance state data matches, or the default data is used. No performance state data is generated. Thus, claim 32 distinguishes over Cooper.

In summary, claims 1-6, 8-17, 19-29, and 31-32 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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Respectfully submitted,



Mark Zagorin, Reg. No. 36,067
Attorney for Applicant(s)
(512) 338-6311 (direct)
(512) 338-6300 (main)
(512) 338-6301 (fax)